



120 E. Main, Gardner, Kansas 66030 (913) 856-0939

September 24, 2007

Mr. Joshua Marx, Regulatory Project Manager
U.S. Army Corps of Engineers - Kansas City Regulatory Office
700 Federal Building
601 East 12th Street
Kansas City, Missouri 64106

RE: Permit No. 2006-1014

Dear Mr. Marx:

Attached is a copy of the Intermodal Review Committee (IRC) Report that was presented to the Gardner City Council and Planning Commission on July 10, 2006. This report constitutes a summary of the city's issues, concerns, and recommendations regarding the proposed BNSF facility and surrounding logistics park covered by the referenced permit.

The IRC was appointed by the City Council to identify issues related to the proposed BNSF intermodal facility and logistics park. The IRC met seven times between April 11 and June 27. All meetings were open to the public: The first two meetings were held in City Hall and, due to public interest and attendance, the final five meetings were held in the Gardner-Edgerton High School gymnasium. Additionally, a public information meeting was held in City Hall on June 6, 2006 and the City Council conducted a public hearing on the proposed BNSF project on July 19, 2006.

In addition to the IRC process, city staff has participated in the Break in Access study for a new I-35 interchange that was commissioned by BNSF and has participated in interagency reviews and discussions of the proposed rail project with the Kansas Department of Transportation, Johnson County, the City of Edgerton, and other state and federal agencies.

The City of Gardner has been actively engaged in the review of infrastructure planning with BNSF, The Allen Group, and the engineering firms retained by both parties.

As you know, the intermodal facility and logistics park site is within unincorporated Johnson County. The site is currently accessed by gravel roads, will require major upgrades to water and electric service, and is not served by sanitary sewer. Currently, the City of Gardner has made no decision regarding the possible annexation of the site. Additionally, the city has not made a decision regarding utility service to the site or the funding of infrastructure necessary to serve the site. A resolution on the funding and construction of the outstanding infrastructure issues, particularly the need to improve the local gravel roads leading to and from the intermodal facility, will need to be finalized prior to issuance of a permit and determination that this project is in compliance with National Environmental Policy Act (NEPA).

City staff has discussed BNSF's conceptual design for the conservation corridor with HDR Engineering. Though the preference would be to leave stream corridors untouched, City staff is comfortable with the conceptual design that was presented to them in Spring 2007.

Should you have any questions or need clarification on this IRC's report, please do hesitate call me or Melissa Mundt, Assistant City Administrator.

Sincerely,

A handwritten signature in black ink, appearing to read "Stewart Fairburn", with a stylized flourish at the end.

Stewart Fairburn
City Administrator

cc: Mayor and City Council Members